



DISABILITY POLICY – STAFF

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First Approved by:	Administrative Committee		
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Responsible Division & Unit:	Human Resources Division		
Supporting documents, procedures & forms of this policy:	Grievance Policy Procedures for Investigating Grievances Request for Workplace Adjustment Recruitment & Selection Policy Workplace Adjustment Management Plan Workplace Adjustment Procedures for Staff Members with a Disability		
Relevant Legislation & External Documents:	Disability Discrimination Act, 1992 (Commonwealth) Anti-Discrimination Act, 1977 (NSW) Disability Services Act, 1993 (NSW) Building Code of Australia (BCA), 2011 Disability (Access to Premises – Buildings) Standards, 2010 (Commonwealth) Standards AS 1428.1– 2009 Design for Access and Mobility AS1428.2 – 1992 Design for Access and Mobility - Enhanced and Additional Requirements – Building and facilities		
Audience:	Public		

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1 Purpose of Policy

1. This policy demonstrates the commitment the University has made to fostering and supporting a diverse workforce and to integrating equal opportunity for people with disabilities into University policies, procedures, decisions and operations.
2. This policy is informed by the legislation and outlines the University's obligations accordingly. The University of Wollongong is committed to the promotion of and adherence to the principles of the *Disability Discrimination Act 1992* (Commonwealth) the *Anti-Discrimination Act 1997* (NSW) and *Disability Services Act 1993* (NSW).

2 Definitions

The following definitions apply each time the listed word appears in this document:

Word/Term	Definition (with examples if required)
Disability	<p>Disability, in relation to a person includes:</p> <ol style="list-style-type: none">a. total or partial loss of a person's bodily or mental functions;b. total or partial loss of a part of the body;c. the presence of a body of organisms causing disease or illness;d. the presence of a body of organisms capable of causing disease or illness;e. the malfunction, malformation, or disfigurement of a part of a person's body;f. a disorder or malfunction that results in the person learning differently from a person without the disorder or malfunction;g. a disorder or illness that affects a person's thought processes, perception of reality, emotions, or judgment or that results in disturbed behaviour; <p>And one which:</p> <ol style="list-style-type: none">h. presently exists;i. previously existed but no longer exists;j. may exist in the future; ork. is imputed to a person.
Discrimination	<p>When someone is treated unfairly because they belong to a particular group of people or have a particular characteristic.</p> <p>For example treating someone unfairly or differently because of their sex, pregnancy, race (including colour, ethnicity and descent), disability, sexual preference, religion, transgender, carer's responsibilities, marital status, social origin, political belief, employee association activity, irrelevant criminal record or age.</p> <p>Indirect discrimination occurs when there is a requirement or rule that is the same</p>



	for everyone but in effect disadvantages people from a particular group more than people from other groups - unless the requirement is reasonable in the circumstances.
Harassment	Harassment may involve any form of bullying, intimidation or hostile treatment, which is brought about because of the person's disability. Under the Disability Discrimination Act, 1992 (Commonwealth), harassment on the grounds of disability is unlawful if the harassment occurs in employment, education or the provision of goods.
Inherent requirements	Inherent Requirements refer to the ability to: <ul style="list-style-type: none">• Perform the essential duties and functional requirements of the job;• Meet the productivity and quality requirements of the position;• Work effectively in the team or other type of work organisation concerned; and• Do the job without undue risk to your own or others health, safety and welfare at work.
Reasonable adjustment (accommodation)	Special facilities or equipment employers must provide to enable a person with a disability to do their job. Reasonable adjustment does not include changing the inherent requirements of the job. An exception to reasonable adjustment is when 'unjustifiable hardship' can be proven by the University.
Return to work plan	A temporary or permanent alternative work arrangement in line with medical advice with the goal of providing a gradual resumption of pre-injury duties. A return to work plan can include restrictions such as job tasks, hours of work or environmental modifications.
Staff	All people employed by the University including conjoint appointments, whether on continuing, permanent, fixed term, casual or cadet or traineeship basis.
Temporary disability	A condition that exists for a short period of time and is not lasting or permanent. In some cases, temporary disability may also be treated as a past disability if adverse treatment was to continue after the disability case.
Unjustifiable hardship	In determining what constitutes unjustifiable hardship, all relevant circumstances of the particular case are to be taken into account including: <ol style="list-style-type: none">a. the nature of the benefit or detriment likely to accrue or be suffered by any persons concerned;b. the effect of the disability of a person concerned;c. the financial circumstances and the estimated amount of expenditure required to be made by the person claiming unjustifiable hardship; andd. in the case of the provision of services, or the making available of facilities, an action plan given to the Australian Human Rights Commission.



Vilification	Any public act that could incite hatred, serious contempt or severe ridicule of a person, or group of people, because of their disability.
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3 Application & Scope

1. This policy applies to all staff members of the University of Wollongong.
2. This policy does not apply to students. Matters related to students with disabilities are addressed in the Disability Policy – Students.
3. Staff who are studying will have access to services provided to students by Disability Services and where appropriate may use any specialised equipment provided for their workplace.

4 Policy Statement and Principles

1. The principles outlined below demonstrate the commitment the University has made to fostering and supporting a diverse workforce and to integrating equal opportunity for people with disabilities into University policies, procedures, decisions and operations.
2. The University of Wollongong:
 - a. supports the rights of people with a disability to work, study and participate in an environment free from discrimination and in an atmosphere that is conducive to realisation of their full potential;
 - b. is committed to a program of continuous improvement that will ensure all buildings and facilities are accessible to people with disabilities. This will be achieved through the ongoing review and upgrade to existing buildings and construction of new buildings and facilities to comply with the Disability (Access to Premises – Buildings) Standards, 2010 (Commonwealth); Standards AS 1428.1– 2009 Design for Access and Mobility and AS1428.2 – 1992 Design for Access and Mobility - Enhanced and Additional Requirements – Building and facilities;
 - c. makes a commitment to provide staff members with resources to reasonably adjust their workplace, where doing so will not cause unjustifiable hardship to the University;
 - d. takes all reasonable steps to ensure that adjustments for staff with a disability neither advantage or disadvantage them in comparison with other staff members;
 - e. takes all reasonable steps to ensure that no staff member will be disadvantaged as a result of a co-worker's disability;
 - f. continues to plan, develop, implement and improve on strategies, programs, policies and guidelines that provide equitable access to employment opportunities, professional development and career opportunities;
 - g. maintains confidentiality of information provided by staff in relation to their disability. Staff are not required to disclose their disability unless they are seeking accommodations or workplace adjustments. Detailed information may be required by the relevant University support services and/or external agencies in order to make adjustments and request specialised equipment;
 - h. takes all reasonable steps to identify and eliminate unlawful discrimination of staff with disabilities; and



- i. deals with complaints in accordance with the Grievance Policy and the Procedures for Investigating Grievances.

5 Roles & Responsibilities

1. All Staff have the responsibility to:
 - a. complete EO Online Module 1 to understand their rights and responsibilities in relation to equal opportunity in the workplace. This is a requirement for probation.
 - b. approach their supervisors or appropriate staff in HR or WHS if they are requiring an adjustment at work due to their disability. This may include completing a Request for Workplace Adjustment.
 - c. understand, and discuss, the inherent requirements of the position they hold, if their circumstances change. That is, if they acquire a disability after they are employed to work in their current position.
2. Supervisors and managers have a responsibility to:
 - a. complete EO Online Module 2.
 - b. consult with specialist units, to provide reasonable adjustment for their staff members with disabilities who are under their supervision. Refer to the Workplace Adjustment Procedures for Staff Members with a Disability and the Workplace Adjustment Management Plan.
 - c. discuss the inherent requirements of a position, with an employee with a disability, where reasonable adjustment is required or it may not be possible to make reasonable adjustments.
3. Relevant specialist units have specific responsibilities in the provision or facilitation of reasonable adjustment.
4. Human Resources Division has responsibility to:
 - a. assist faculties and units to take an active role in providing employment opportunities for people with disabilities;
 - b. integrate disability provisions into personnel policies and practices; and
 - c. ensure recruitment processes support the needs of applicants with disabilities and ensure that applicants are aware of the inherent requirements of advertised positions.
 - d. liaise with community and government agencies to encourage applications for positions and traineeships for people with disabilities;
 - e. assist staff with supervisory responsibilities to provide reasonable adjustments for staff with disabilities;
 - f. liaise with external agencies to arrange funding for workplace adjustments;
 - g. liaise with support units to arrange support for staff with disabilities;
 - h. assist staff to assimilate into their workplace;
 - i. facilitate the education of all staff about matters related to staff with disabilities and raise their level of awareness to overcome discriminatory behaviour and attitudes; and



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- j. mediate on disability issues in the University and assist in the implementation of conflict resolution.
5. Workplace Health and Safety Unit has responsibility to:
- a. assist in the development and monitoring of return to work plans for staff with a disability; and
 - b. assist supervisors in the provision of a safe work environment by implementing risk management activities.
 - c. Disability Services has responsibility to:
 - d. provide advice to the support units and supervisors where appropriate; and
 - e. provide training and support for staff with disabilities who require the use of assistive technology.



6 Version Control and Change History

Version Control	Date Effective	Approved By	Amendment
1	24 July 2007	Administrative Committee	First Version
2	6 May 2009	Vice Principal (Administration)	Migrated to UOW Procedure Template as per Policy Directory Refresh
3	26 August 2010	Vice-Principal (Administration)	Updated to reflect divisional name change from Personnel Services to Human Resources Division
4	24 January 2012	Vice-Principal (Administration)	References to Standards AS 1428.1 – 2009 Design for Access and Mobility, Disability (Access to Premises – Buildings) Standards, 2010 (Commonwealth) and Building Code of Australia (BCA) updated
5	27 July 2013	Finance & Resources Committee	Policy Review
6	16 September 2015	Vice-Chancellor	Update references to EED/HRD
7	21 July 2017	Vice-Chancellor	Minor amendment to staff, discrimination, and unjustifiable hardship definitions.